

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Patrick S. MCMONAGLE et al.)	
Serial No.:	10/711,550)	
Filed:	September 21, 2004)	Confirmation No. 5549
)	
Group Art Unit:	3609)	
Examiner:	Hao Fu)	
)	
Attorney Docket:	030848-000026)	
)	
Title:	CENTRALIZED CHECK)	
	IMAGE STORAGE SYSTEM)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R § 1.131

We, Patrick S. McMonagle and Douglas G. Smith, do hereby declare that:

1. We are applicants of the above-identified patent application and co-inventors of the subject matter described and claimed therein.
2. Prior to August 5, 2003, while working in the United States, we conceived the idea of storing check images in a substantially centralized storage system with unique handles so that the check images can be retrieved by at least two banks from the centralized system as described and claimed in our application. On information and belief, subsequent to our conception of the invention, but still prior to August 5, 2003, a Viewpointe Invention Disclosure Form was completed electronically, discussed internally, and marked up under the supervision of the officers of our then employer and the assignee, Viewpointe Archive Services, LLP. A copy of the Viewpointe Invention Disclosure Form is attached hereto as Exhibit A and all dates on the Exhibit have been redacted. Additional information not related to the conception, nature or description of the invention has also been redacted. The date the markup was completed is indicated on the front of the Viewpointe Invention Disclosure Form and falls before August 5, 2003. The descriptive material in the Viewpointe Invention Disclosure Form coincides with descriptive material

Viewpointe Invention Disclosure Form substantially correspond to Figure 3A in the above-identified patent application.

3. Subsequent to completion of the Invention Disclosure Form, but still prior to August 5, 2003, on information and belief, Steven B. Phillips, an attorney of record in the present application, was engaged by Viewpointe management to prepare and file a patent application on the idea described above. Subsequent to Mr. Phillips being engaged, in the course of discussions between Mr. Patrick S. McMonagle, an above-named inventor, and Mr. Phillips, an Email message was sent from Mr. McMonagle to Mr. Phillips including, as an attachment, a PowerPoint presentation with a network diagram. The Email message and the network diagram are attached hereto as Exhibit B and all dates on the Exhibit have been redacted. Additional information not related to the conception, nature or description of the invention has also been redacted. The electronic date stamp on the Email falls after the date on the Invention Disclosure Form, and before August 5, 2003. The network diagram attached to the Email substantially corresponds to Figure 5 of the above-identified patent application as well as to Figure 4 of provisional patent application serial number 60/481,419, from which the present, above-identified patent application claims priority.

4. Subsequent to the sending of the Email described above, but still prior to August 5, 2003, another Email message was sent from Mr. McMonagle to Mr. Phillips including, as an attachment, a "ZIP" file containing an internal "Analysis and Design Document" describing various aspects of the above-identified invention. This additional Email message and the cover page from the Analysis and Design Document, as well as pages 7 and 28 from the Analysis and Design Document are attached hereto as Exhibit C and all dates on the Exhibit have been redacted. Additional information not related to the conception, nature or description of the invention has also been redacted. The electronic date stamp on this second Email falls after the date on the earlier Email referred to above, and before August 5, 2003. The diagram on page 7 of the Analysis and Design Document substantially corresponds to Figure 2 of both the above-identified patent application and provisional patent application serial number 60/481,419, from which the above-identified patent application claims priority. The diagram on page 28 of the Analysis and Design Document corresponds in part to Figure 1 of the above-identified patent

application and provisional patent application serial number 60/481,419 from which the above-identified patent application claims priority.

5. Between the dates of August 5, 2003 and September 25, 2003, an Email was sent from Mr. Phillips to Mr. McMonagle, including, as an attachment, a proposed flowchart for use in a patent application on the above-described invention. This Email from Mr. Phillips to Mr. McMonagle and the attached flowchart are attached hereto as Exhibit D and all dates on the Exhibit have been redacted. The electronic date stamp on this Email falls after August 5, 2003, but before September 25, 2003. The flowchart substantially corresponds to Figure 1 in both the above-identified patent application, and provisional patent application serial number 60/481,419 from which the above-identified patent application claims priority.

6. On information and belief, provisional patent application serial number 60/481,419, from which the present, above-identified patent application claims priority, was filed in the United States Patent and Trademark Office on September 25, 2003.

7. The present patent application was filed in the United States Patent and Trademark Office on September 24, 2004. We executed the declaration of inventorship for the present patent application on February 24, 2005. The declaration of inventorship is on file at the U.S. Patent and Trademark Office with the present, above-identified application.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

This declaration was executed by each of us on the date indicated.

 Date: 2/4/2009
Patrick S. McMonagle

Douglas G. Smith Date: _____